



Sen. Terry Link

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LRB099 03119 MJP 46851 a

1 AMENDMENT TO SENATE BILL 391

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 391 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-13-15 as follows:

6 (65 ILCS 5/11-13-15) (from Ch. 24, par. 11-13-15)  
7 Sec. 11-13-15.

8 (a) In case any building or structure, including fixtures,  
9 is constructed, reconstructed, altered, repaired, converted,  
10 or maintained, or any building or structure, including  
11 fixtures, or land, is used in violation of an ordinance or  
12 ordinances adopted under Division 13, 31 or 31.1 of the  
13 Illinois Municipal Code, or of any ordinance or other  
14 regulation made under the authority conferred thereby, or any  
15 covenant which a home rule or non-home rule municipality has  
16 the right to enforce or amend, the proper local authorities of

1 the municipality, or any owner or tenant of real property,  
2 within 1200 feet in any direction of the property on which the  
3 building or structure in question is located who shows that his  
4 property or person will be substantially affected by the  
5 alleged violation, in addition to other remedies, may institute  
6 any appropriate action or proceeding (1) to prevent the  
7 unlawful construction, reconstruction, alteration, repair,  
8 conversion, maintenance, or use, (2) to prevent the occupancy  
9 of the building, structure, or land, (3) to prevent any illegal  
10 act, conduct, business, or use in or about the premises, or (4)  
11 to restrain, correct, or abate the violation. When any such  
12 action is instituted by an owner or tenant, notice of such  
13 action shall be served upon the municipality at the time suit  
14 is begun, by serving a copy of the complaint on the chief  
15 executive officer of the municipality, no such action may be  
16 maintained until such notice has been given.

17 In any action or proceeding for a purpose mentioned in this  
18 section, the court with jurisdiction of such action or  
19 proceeding has the power and in its discretion may issue a  
20 restraining order, or a preliminary injunction, as well as a  
21 permanent injunction, upon such terms and under such conditions  
22 as will do justice and enforce the purposes set forth above.

23 If an owner or tenant files suit hereunder and the court  
24 finds that the defendant has engaged in any of the foregoing  
25 prohibited activities, then the court shall allow the plaintiff  
26 a reasonable sum of money for the services of the plaintiff's

1 attorney. This allowance shall be a part of the costs of the  
2 litigation assessed against the defendant, and may be recovered  
3 as such.

4 An owner or tenant need not prove any specific, special or  
5 unique damages to himself or his property or any adverse effect  
6 upon his property from the alleged violation in order to  
7 maintain a suit under the foregoing provisions.

8 (b) In an action brought against a landowner under this  
9 Section, a municipality with a population under 30,000 may also  
10 be sued as a defendant, or may intervene or be joined as a  
11 defendant, for the purposes of defending the municipality's  
12 actions, including the allowed use of the land, if that  
13 municipality: (1) approved a special use under Section  
14 11-13-1.1, a variation under Section 11-13-5, or an amendment  
15 to the zoning ordinances under Section 11-13-14 affecting the  
16 subject land of the action; and (2) can reasonably be expected  
17 to receive greater than \$100,000 in annual property tax  
18 receipts from any development of the land subject to the  
19 action.

20 (c) Any owner or tenant seeking judicial review of a  
21 decision under Section 25 of this Code may also file an action  
22 under this Section during the pendency of such judicial review.

23 (d) Changes made by this amendatory Act of the 99th General  
24 Assembly are also applicable to an action pending on the  
25 effective date of this amendatory Act of the 99th General  
26 Assembly.

1 (Source: P.A. 80-419.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".